IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

MONDAY, THE 3RD DECEMBER 2007 / 12TH AGRAHAYANA 1929

WP(C).No. 33524 of 2007(N)

PETITIONERS:

1. VINOD, BIJU BHAVANAM, VETTICODE P.O.,
   PALLICKAL, MAVELIKKARA.

2. SUSHA KUMARI, W/O.VINOD, DO. DO.

BY ADV. SRI.GEORGE VARGHESE(PERUMPALLIKUTTIYIL)
SRI.A.R.DILEEP

RESPONDENTS:

1. STATE OF KERALA, REP. BY SECRETARY TO
   GOVERNMENT IN THE DEPARTMENT OF HOME,
   GOVT. SECRETARIAT, THIRUVANANTHAPURAM.

2. DEPUTY SUPERINTENDENT OF POLICE,
   CHENGANNUR.

3. THE SUB INSPECTOR OF POLICE,
   VALLIKUNNAM POLICE STATION, VALLIKUNNAM.

4. KALA, RASHEED MANZIL, THEKUMTHARA, PAZHAKULAM.

R1 TO R3 BY GOVT. PLEADER SRI.P.A.SALIM
BY ADV. SRI. K.SHAJ
SRI.SAJJU.S
SRI.B.BALRAJ

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WPC 33524/2007

PETITIONER'S EXHIBITS:

EXT. P1 TRUE COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER BEFORE THE DEPUTY SUPERINTENDENT OF POLICE, CHENGANNUR

EXT. P2 TRUE COPY OF COMPLAINT SUBMITTED BY THE 2ND PETITIONER BEFORE THE 3RD RESPONDENT

/TRUE COPY/

K.Balakrishnan Nair &
K.P.Balachandran, JJ.

W.P.(C)No. 33524 of 2007 N

JUDGMENT

Balakrishnan Nair, J.

The petitioners are husband and wife. They have approached this Court alleging that the fourth respondent is threatening and black mailing them. The said respondent, according to them, falsely claims that the first petitioner owes some amount to her and unless the said amount is paid he will be manhandled by using muscle men. So, the petitioners moved the police seeking protection. Since the police did not extend any helping hand, this writ petition is filed.

2. The fourth respondent has filed a counter affidavit denying all the allegations against her. In fact, it was the first petitioner, who trespassed into her house and outraged her modesty. She filed a complaint before the Judicial First

Class Magistrate's Court-I, Adoor and the same was forwarded to the police and the police have registered a crime for the offences punishable under Sections 452, 354, 341 and 34 IPC against the first petitioner and his brother. She denied all the allegations against her. The fourth respondent also submits that the first petitioner owes Rs.20,000/- to her.

3. The first petitioner has filed a reply affidavit denying all the allegations of the fourth respondent against him. The learned Government Pleader, upon instructions, submitted that there is no law and order problem warranting interference by the police. It is only a dispute regarding repayment of the amount stated to be received by the first petitioner from the fourth respondent.

4. In view of the disputed questions of fact involved, we feel that no relief can be granted to the petitioner in this writ petition. But, if any cognizable offence is reported by either of the

parties, the police shall look into the same and take appropriate action, in accordance with law.

The writ petition is disposed of as above.

(K.Balakrishnan Nair, Judge)

3rd December, 2007

(K.P.Balachandran, Judge)

tkv